

REMARKS/ARGUMENTS

Response to Amendment

The Detailed Action in paragraph 1 indicates that claims 48-81 are newly introduced. The Applicant respectfully submits that claims 48-81 are not newly introduced. Claims 48-81 were submitted in response to the Final Office Action dated February 4, 2005. A RCE was submitted June 9, 2005 in response to an Advisory Action dated May 24, 2005, without amendment to claims 48-81. A non-final OA, responding to the RCE and dated August 24, 2005 was responded to by the Applicant November 21, 2005 without amendment to the claims. Subsequently, the present Final Office Action was mailed to the Applicant on March 8, 2006.

Response to Arguments

The Applicant respectfully submits that the argument for rejection is that A) Fishman discloses that the characteristics of a mobile device are negotiated with a mobile gateway and if the characteristics are found acceptable then the multimedia file is streamed to the mobile device (paragraphs 0024, 0025 and 0039).

The cited portions of Fishman are summarized as follows: Paragraph [0024] deals with the need for a mobile gateway and the ability to add mobile clients without modifying a content server. Paragraph [0025] describes different computer readable media. Paragraph [0039] describes a content server that supplies content to a mobile client without regard for the mobile client's operating characteristics by using a mobile gateway.

The Applicant respectfully disagrees with the characterization of the Applicant's argument. The Applicant, in summary, claims a gateway with a gateway controller that negotiates an acceptable format for a media stream, in real time, and upon invoking the gateway controller causes the gateway to process the media stream. Fishman, provides stored transforms assigned beforehand to the mobile clients, so that when a particular media is sent to the gateway, the only decision to be made is which transform is to be used. There is no negotiation – if the client has changed mobile devices, the

assigned transform may no longer be useful. This is not a problem in the Applicant's invention.

Claim Amendments

No claims have been amended, canceled or added. Accordingly, claims 48-81 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the following remarks.

Claim Rejections – 35 U.S.C. § 102(e)

Claims 48-50, 52-56, 58-62, 64-67, 69-73, 75-81 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Fishman et al. U. S. Patent Publication 2002/0103935 (hereinafter, Fishman). The Applicant respectfully traverses the rejection of these claims.

The Applicant's invention discloses a method for processing a media stream that may take place between entities in a communications system. Two entities establish a connection, begin to communicate and wish to send and receive data (streaming media), which can consist of more than one type of media, including voice, music, video, etc. In order for the media stream to be presented in an acceptable format at the receiving party, the media stream has to be converted. In the present invention the media stream is transmitted through a gateway and the characteristics of the terminals are not stored in the gateway beforehand.

The first action is to negotiate formats to arrange the gateway to convert the media stream to comply with the receiving entity's characteristics. This negotiation is done in real time at the time the media stream is established. The negotiation does not require any prior information regarding the sending or receiving entities. In the present invention, a first, requesting entity sends a request for a format for the media stream on a second, signaling path to a gateway controller. The controller uses information in the request to arrange the gateway to convert the media stream to an acceptable format for a second entity that will receive the media stream via a first, data path through the gateway. The information in the request (transferred via the signaling path) includes

format requirements for the second entity. It doesn't matter what format was required by the second entity in the last session since a format for the immediate call is being negotiated in real time. The gateway controller then chooses a different path (the data path) between the requesting entity and the receiving entity to transfer the media stream.

In real time the gateway controller in the Applicant's invention negotiates the format requirements to modify, if necessary, the media stream. If the media stream requires modification/conversion, the media stream is directed to a converting process in the gateway. After any necessary conversion (continuously in real time) the media stream is sent to the receiving entity and the gateway continuously converts the media stream as long as it is required.

The Applicant's invention utilizes a gateway controller on one path for signaling and a gateway on another path for data/content transfer (media stream) in contrast to the invention disclosed in the Fishman reference. The Applicant respectfully directs the Examiner's attention to claim 1.

48. (Previously Presented) A method of processing a media stream in a communications system that includes an Internet Protocol (IP) network, the method comprising the steps of:

configuring a service for providing the media stream to a first entity, by sending a service request to a gateway controller having a known Uniform Resource Identifier (URI) the service request including information relevant to the first entity;

initiating the media stream for a session between the first entity and a second entity, with the first entity receiving, and the second entity sending the media stream via a data path that includes a gateway coupled to the IP network, the gateway being managed by the gateway controller;

negotiating a format for the media stream, wherein the media stream with a format unacceptable to the first entity is converted to an acceptable format by the gateway prior to forwarding the media stream to the first entity;

invoking the gateway controller, via a second path that is separate from the data path carrying the media stream, to cause the gateway to process the media stream received from the second entity;

processing the media stream according to the negotiated formats;
and

sending the processed media stream on to the first entity.
(emphasis added)

The Applicant respectfully asserts that the Fishman reference does not disclose, teach or suggest the above emphasized limitations.

The Fishman reference discloses a system and method for processing data objects and pushing content to one or more mobile devices that have assigned media transforms. Fishman discloses a mobile gateway for customizing content received from a content server based on transforms assigned to each mobile client. As noted in the Abstract of the Fishman reference, "[T]he mobile gateway customizes the content based on transforms assigned to each mobile client." The gateway contains the assigned transforms through which the content is processed for each client. The terminals are registered with the gateway and characteristics of the terminals are stored in connection to the gateway (para. [0011], lines 4-7, [0035] lines 1-3, [0040] and [0039], lines 7-12). There is no mention in Fishman of negotiating the stored characteristics to determine transformations needed nor is there disclosure regarding a decision on which transform functionality to utilize for a particular mobile terminal. That decision is predetermined by assigning and storing a particular transform to be used for a particular media for a particular mobile device. Furthermore, the Fishman reference reinforces the notion that transforms are predetermined and stored by noting that clients may drop or add services and combinations of transforms may be used to configure the stored information. (paragraph [0036])

The Fishman reference does not disclose, teach or suggest negotiating the format of the streaming media. The Applicant respectfully asserts that the Fishman reference fails to disclose processing content in the form of a media stream utilizing a controller that manages the gateway through which the media passes. Further, only one path is disclosed in Fishman and it does not appear that a GW controller is invoked since the Fishman GW includes stored content transforms assigned to mobile clients that are used to transform data objects (Figs. 2-4). The controller of the Applicant's present invention is accessed by one path, a signaling path, and the data is transferred via a different path, a data path. This feature is not disclosed in Fishman. The

controller of the present invention manages gateway functions to decide which available format to use to convert a media stream for use by a receiving entity.

These limitations, as emphasized in claim 48, are lacking in the Fishman reference and claim 48 is distinguishable from Fishman. Analogous limitations are recited in claims 60 and 71. Thus, claims 48, 60 and 71 and all claims dependent therefrom: 49-50, 52-56, 58-59, 61-62, 64-67, 69-70, 72-73 and 75-81 are distinguishable from the Fishman reference and a withdrawal of the rejection of these claims is respectfully requested.

Claim Rejections – 35 U.S.C. § 103 (a)

Claims 51, 57, 63, 68, and 74 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fishman in view of Galensky, et al. (US Patent No. 6,845,398). The Applicant respectfully traverses the rejection of these claims.

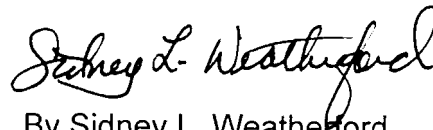
The Galensky reference was cited for teaching a wireless device system and method for receiving and playing multimedia files from a multimedia server using the GSM system. It is respectfully submitted that the Galensky reference does not address the above-identified deficiencies of Fishman with respect to the Applicant's invention. This being the case, the Applicant respectfully requests the withdrawal of the rejection of claims 51, 57, 63, 68 and 74.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sidney L. Weatherford", written in a cursive style.

By Sidney L. Weatherford
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